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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEREMY GEORGE LUSK,

Defendant.

CR 23-06-BU-DLC

**DEFENDANT LUSK'S
SENTENCING MEMORANDUM**

INTRODUCTION

Defendant Jeremy George Lusk, by and through his counsel, Michael Donahoe, and the Federal Defenders of Montana, offer the following memorandum in aid of sentencing, currently set down before this Court for October 31, 2023, at 10:30 a.m., in Missoula.

PRESENTENCE REPORT OBJECTIONS

There are no outstanding objections to the presentence report (PSR).

18 USC §3353(a) FACTORS

The relevant sentencing factors are set forth in 18 USC §3553(a)(2), which we address briefly:

(1) *Nature and Circumstances of the Offense*

Mr. Lusk stands before this Court convicted of Count I of the Indictment, which charges travel with intent to engage in illicit sexual conduct, in violation of 18 USC §2423(b).

(2) *History and Characteristics of the Defendant*

These factors are adequately addressed in the PSR, but we did want to stress Mr. Lusk's military service. As the Supreme Court has observed:

“[o]ur Nation has a long tradition of according leniency to veterans in recognition of their service, especially for those who fought on the front lines as Porter did. Moreover, the relevance of Porter's extensive combat experience is not only that he served honorably under extreme hardship and gruesome conditions, but also that the jury might find mitigating the intense stress and mental and emotional toll that combat took on Porter.”

Porter v. McCollum, 130 S.Ct. 447, 455 (2009).

Likewise, in *Kimbrough v. United States*, 552 U.S. 85, 110 (2007), the defendant pleaded guilty to drug trafficking offenses involving both powder and crack cocaine. The Court noted in passing that Kimbrough had no prior felony convictions, that he had served in combat during Operation Desert Storm and

received an honorable discharge from the Marine Corps, and that he had a steady history of employment.

For these reasons, we emphasize Mr. Lusk's service to our country as set forth in the PSR at pages 14 and 15, ¶s 83-86.

(3) ***Seriousness of the Offense***

Mr. Lusk agrees that his conviction is serious and takes full responsibility for his actions.

(4) ***Deterrence and Protection of the Public***

Both general and specific deterrence would be promoted by a sentence of twelve (12) months and one day of incarceration, following by ten (10) years of supervised release.

(5) ***Promotion of Respect for the Law***

Mr. Lusk has gained respect for the law through this federal prosecution and resolves to remain law abiding going forward.

(6) ***Need to Provide Defendant with Education, Training, Medical Care or Other Correctional Treatment***

The need to provide Mr. Lusk with education, training, medical care, or other treatment does appear relevant and such needs could be adequately addressed while Mr. Lusk is on supervised release. And we note here Dr. Scolatti's opinion that Mr. Lusk presents a low risk to re-offend.

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(7) *The Applicable Guidelines*

Mr. Lusk recognizes that he faces a maximum sentence of thirty (30) years' imprisonment. However, respectfully Mr. Lusk submits a sentence of twelve (12) months and one day of incarceration followed by ten (10) years of supervised release is sufficient, but not greater than necessary, to satisfy the relevant §3553(a) factors.

CONCLUSION

WHEREFORE, Mr. Lusk prays this Court will consider this memorandum in aid of sentencing.

RESPECTFULLY SUBMITTED this 12th day of October, 2023.

/s/ Michael Donahoe
MICHAEL DONAHOE
Deputy Federal Defender
Counsel for Defendant

CERTIFICATE OF SERVICE
L.R. 5.2(b)

I hereby certify that on October 12, 2023, a copy of the foregoing document was served on the following persons by the following means:

1 CM-ECF

2 Mail

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/s/ Michael Donahoe
FEDERAL DEFENDERS OF MONTANA